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Human rights situations that require the Council's attention

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, prepared pursuant to Council resolution 28/21.

In the report the Special Rapporteur describes developments in the human rights situation in the Islamic Republic of Iran that have transpired since the submission of his report to the General Assembly (A/70/411).

The Special Rapporteur outlines the activities he has undertaken since the renewal of his mandate by the Human Rights Council at its twenty-eighth session, examines ongoing issues and presents some of the most recent and pressing developments in the country's human rights situation. Although the report is not exhaustive, it provides a picture of the prevailing situation as observed in the preponderance of reports submitted to and examined by the Special Rapporteur. It is envisaged that a number of important issues not covered in the present report will be addressed in the Special Rapporteur's future reports to the General Assembly and the Council.

* The present report was submitted after the deadline owing to the need for consultations with the Member State.

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I. Introduction

1. In his report to the Human Rights Council at its twenty-second session (A/HRC/22/56), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran focused primarily on laws and procedures that governed the administration of justice in the country. He joined the Human Rights Committee in expressing concern about aspects of the country's legal framework that undermined national and international principles on fair trial standards, including concerns about access to legal assistance of one's own choosing, the right to a public hearing before an independent judiciary that presumed the innocence of the accused and protections for juvenile offenders. He echoed the Committee's recommendation that the Government reconsider legal provisions that dictate criminal procedure (CCPR/C/IRN/CO/3), recommended that the Government re-examine its use of capital punishment and urged it to halt executions for crimes not considered the "most serious", such as drug-related offences.

2. The Special Rapporteur observed a number of positive measures during the reporting period that addressed some of these concerns, including the adoption of amendments to the country's Islamic Penal Code and Criminal Procedure Code. He also continued to observe progress in the national discussions aimed at examining the country's use of the death penalty and the need to reconsider this practice. However, a number of other pressing issues in the Islamic Penal Code and Criminal Procedure Code remain unaddressed, including the Government's use of capital punishment, which continues to surge at a staggering rate. It is also important to note that amendments to these laws do not always apply to individuals who are accused of "national security crimes" for the legitimate and peaceful exercise of fundamental rights, including the rights to freedom of expression, opinion, belief, assembly and association.

3. Aspects of other laws and practices also continue to undermine or violate national and international human rights obligations of the Islamic Republic of Iran, and the Special Rapporteur notes that there is draft legislation currently under consideration that appears to expand State influence over the legal community, the media and civil society organizations, or that will further negate national and international guarantees governing freedom of expression, association and assembly.

4. The adverse effects of these laws and practices could be observed in reports that continued to emanate from the country in 2015 and 2016 about ongoing arrests of human rights defenders, lawyers, journalists and religious and ethnic minorities, accompanied by both open letters and confidential communications about torture and violations of fair trial standards.

A. Cooperation with the Government

5. The Special Rapporteur wishes to highlight the Government's increased engagement with the special procedures of the Human Rights Council through dialogue with representatives of his mandate, and by way of invitations to visit the country granted in 2015 to the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral and coercive measures on the enjoyment of human rights. The Special Rapporteur urges the Government to also consider facilitating his recurring requests, made since 2011, for visits to the country and/or to consider requests forwarded since 2002 by the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; and

the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; as well as requests from the Working Group on the issue of discrimination against women in law in practice and the Working Group on Enforced or Involuntary Disappearances.

6. A total of 24 communications concerning pressing developments or emerging issues detailed in the present report and/or appealing for remedy were transmitted by the Special Rapporteur to the Government in 2015. Of these, 16 were urgent actions and 6 were allegation letters joined by several thematic special procedure mandate holders. The Government responded to 9 (38 per cent).

7. The Government has also continued to respond at length to his reports to the Human Rights Council and the General Assembly, including the present report. The responses, which are summarized in the report, include the Government's assertions that it accepted 65 per cent of the recommendations received in the second cycle of the universal periodic review in 2014, that it has replied to "almost all" of the communications received from special rapporteurs and that representatives of seven special procedures have visited the Islamic Republic of Iran. The Special Rapporteur notes that the last such visit occurred in 2005.

B. Methodology of the report

8. In the present report the Special Rapporteur presents information originating with the Government of the Islamic Republic of Iran and relayed by alleged victims of human rights violations and civil society actors located both inside and outside the country. This information includes data gathered from the Government's responses to communications transmitted jointly by special procedure mandate holders in 2015; from websites maintained by various branches and agencies of the Government; from national stakeholder reports submitted by the Government for the universal periodic review; and from statements published either by national media sources or by individual government officials.

9. The Special Rapporteur also presents details of 128 interviews with Iranians who reported violations of their rights or the rights of others during the reporting period. He conducted 48 of these interviews himself during a fact-finding mission to the United Kingdom of Great Britain and Northern Ireland, France and Canada from 12 to 21 December 2015; an additional 80 interviews with Iranians inside the country and elsewhere were conducted between 1 October 2015 and 1 February 2016. The Special Rapporteur wishes to express his gratitude to the Governments of all three countries for having hosted his visits. Information contained in open letters, confidential communications and reports emerging from the Islamic Republic of Iran and reports submitted to special procedure mandate holders by credible human rights organizations were also considered. Existing laws, including those recently adopted by the parliament, and draft legislation that affect concerns identified during the 2014 universal periodic review and by other human rights mechanisms were also examined. In its response to the present report, the Government alleges that the sources are "mostly unreliable" and concludes that its content is "the best proof" that the Special Rapporteur's appointment was "unwarranted".

II. Criminal laws and the administration of justice

10. A total of 72 recommendations concerning the administration of justice were submitted by Member States during the second cycle of the universal periodic review of the Islamic Republic of Iran in 2014. The Government accepted 3 of these recommendations (see A/HRC/28/12 and Corr.1 and Add.1).

A. Islamic Penal Code

11. A revised version of the Islamic Penal Code was implemented in early 2013 for an experimental period of five years. If properly implemented, the amended provisions will remedy some of the problems raised with the Government by the human rights mechanisms, including concerns raised by Member States during the universal periodic reviews held in 2010 and 2014. The Special Rapporteur notes, however, that many other provisions violate the international obligations of the Islamic Republic of Iran and that the code continues to facilitate serious abuses perpetrated by government officials.

12. In terms of positive amendments, the Special Rapporteur notes that new provisions of the Islamic Penal Code provide for a more narrow application of anti-terrorism laws, restricting the use of the death penalty to individuals who have carried out armed activities (arts. 279-288); introduce a statute of limitations for various crimes (arts. 105-113); stipulate that individuals convicted on multiple charges shall serve no more than the maximum sentence for the charge carrying the heaviest penalty (art. 134); and allow judges to exercise their discretion in releasing prisoners on good behaviour and in issuing alternative sentences instead of prison terms (arts. 64-87).

13. In practice, many of these provisions either explicitly exclude individuals charged with national security crimes or are reportedly not applied in such cases. The Special Rapporteur has also documented cases since 2013 where authorities failed to observe article 134 of the Islamic Penal Code, which limits sentences for individuals charged with multiple offences to the maximum sentence for the most serious charge. However, the Government disputes allegations that authorities fail to faithfully observe and properly implement article 134.

14. The Special Rapporteur also notes that vague and broadly defined *hudud* provisions in the Islamic Penal Code, loosely defined as "crimes against God",[1] often criminalize acts that are either not recognized as crimes under international laws and standards or are not considered sufficiently serious to warrant capital punishment. These crimes include insulting or cursing the prophet (arts. 262-263), certain forms of consensual heterosexual and all same-sex relations between adults (arts. 221-241), "sowing corruption on Earth" (art. 266) and apostasy.[2] Individuals convicted of some of these crimes are not generally allowed to seek a pardon or have their sentences commuted, in contravention of international law.

15. Punishment for *hudud* offences in the Islamic Penal Code include amputations (arts. 217-288), flogging and stoning. The Human Rights Committee has determined that these penalties are not compatible with the International Covenant on Civil and Political Rights (see CCPR/C/79/Add.85, para. 9). Rights groups documented at least three amputations in 2015.[3] In December 2015, news agencies in the Islamic Republic of Iran also reported that a stoning sentence had been issued by a court in Gilan province for adultery.[4] In its response, the Government notes that criminalization of the aforementioned acts is consistent with its interpretation of Islamic law and that the punishments are effective deterrents. It also

[1] See www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code.

[2] Apostasy is not specifically codified as a crime in the Islamic Penal Code but is a *hudud* offence under sharia. The judiciary of the Islamic Republic of Iran can issue sentences for apostasy pursuant to article 167 of the Constitution and 220 of the Criminal Procedure Code.

[3] See www.iranrights.org/library/collection/142/amputation-and-eye-gouging and www.amnesty.org/download/Documents/MDE1319982015ENGLISH.pdf.

[4] See www.darsiahkal.ir/64601/64601 (in Persian).

alleges that the judiciary converted the stoning sentence in Gilan to another punishment, and that in recent years no stoning sentences have been carried out in the country.

16. Other articles of the Islamic Penal Code that restrict the peaceful exercise of a range of other civil and political rights integral to the facilitation of democratic processes in the country often fall under the category of *ta'zir* crimes. These acts are considered to be in conflict with religious or State interests, but have no specific penalties under sharia. The articles include article 513, which criminalizes "insults" against the "Islamic sanctities", article 514, which criminalizes "insults" directed at the first Supreme Leader, and article 609, which criminalizes insulting other government officials. In its response, the Government asserts that decriminalization of insults to sanctities is a secular interpretation which should not be imposed on other cultures and countries.

17. *Ta'zir* provisions also criminalize so-called national security offences, for which political dissidents are often tried and convicted. Article 498 of the Islamic Penal Code, for example, criminalizes the establishment of groups that aim to "disrupt national security"; article 500 calls for up to one year of imprisonment for anyone found guilty of "propaganda against the Islamic Republic of Iran or in support of opposition groups or associations"; and article 610 punishes two or more persons who "collude and conspire to commit crimes against the domestic or international security of the nation" with two to five years of imprisonment. These provisions are often so vague and broadly worded that they allow the Government to severely limit speech and punish peaceful assembly and association. In its response, the Government notes that more than 230 political parties, 400 professional and trade associations and 60 societies affiliated with religious minorities have received permits to operate and that the right to organize trade unions and associations is fully recognized.

18. Provisions of the Islamic Penal Code also continue to discriminate against women, girls and non-Muslims, and explicitly stipulate that the value of a woman's life is equal to half that of a man (art. 550). If a Muslim man murders a Muslim woman, for example, the victim's family must first pay half his "blood money" before seeking retributive execution (art. 382). The code also stipulates that while the family of a Muslim murder victim may seek retribution in kind against a non-Muslim perpetrator, the opposite cannot occur; in such cases the judge can sentence the Muslim perpetrator only to prison, monetary damages or another form of punishment (art. 310). In its response, the Government justifies the difference in "blood money" for men and women by asserting that children who lose their father and women who lose their husband actually lose their financial and moral support and backbone, while losing a mother or a wife "only causes moral harm".

19. The Special Rapporteur notes with concern that the Islamic Penal Code retains the death penalty for boys of at least 15 lunar years of age and girls of at least 9 lunar years for *qisas* ("retribution in kind") or *hudud* crimes, such as homicide, adultery or sodomy (arts. 146-147). At least 73 juvenile offenders were reportedly executed between 2005 and 2015, and the number of juvenile offenders reportedly executed in 2014/15 was actually higher than at any time during the past five years. The vast majority of these executions were never officially reported by the Government.[5] Human rights organizations documented the executions of at least four juveniles in 2015, with at least 160 others awaiting the same fate on death row, and it has been reported that at least one Afghan national awaiting execution for a drug-related offence was under 18 years of age at the time of his arrest.[6]

20. In its review of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), the Committee on the Rights of the Child expressed great concern about the ongoing execution of juveniles

[5] See www.amnesty.org/en/documents/mde13/3112/2016/en/.

[6] Ibid.

in the country and called on the Government to rescind reservations that sanctioned judicial disregard of the provisions of the Convention on the Rights of the Child. They also called on the Government to define juveniles as anyone under the age of 18, in line with Convention standards, and to raise the age of criminal responsibility without discriminating between boys and girls. In its response, the Government argues that there is a lack of consensus regarding the age of mental maturity for a child and adolescents, and that juvenile offenders may be executed only after they reach 18 years of age.

21. Amendments to the Islamic Penal Code in 2013 repealed capital punishment for juveniles found guilty of drug-related offences. Article 91 of the code requires a judge to assess the mental capacity of juvenile offenders before issuing a death sentence to determine if they understood the consequences of their actions at the time they committed *hudud*-related crimes, such as adultery or rape, or retribution-related crimes such as murder. In January 2015, the Supreme Court issued a ruling requiring that all courts retroactively apply the new amendment for cases adjudicated prior to 2013 if juvenile defendants petitioned for a retrial of their capital convictions.[7] The Government also notes that it has undertaken efforts over the years to prevent executions of juveniles convicted of retribution-related crimes such as murder, where the right of retribution rests with the families of the victims.

22. The Special Rapporteur has received reports suggesting that some child offenders on death row have not taken advantage of this new ruling, in part because they are unaware of its existence. He has also seen reports indicating that the Supreme Court has rejected several petitions for retrial and affirmed the death sentences of at least six juvenile offenders, one of whom was executed in 2015, and reports suggesting that the criteria used by courts to assess mental capacity vary widely and are applied inconsistently by courts around the country.[8] The Government refutes the allegation.

B. Criminal Procedure Code

23. Parliament adopted a number of amendments to the Criminal Procedure Code, which came into effect on 22 June 2015.[9] The amended code was much celebrated and praised by government officials for the level of protection it affords to those suspected of crimes. During an interview with the State-run Islamic Republic News Agency in July 2015, the head of the judiciary, Ayatollah Sadeq Larijani, stated that "the criminal procedure code [had] undergone many reforms to protect the rights of the accused".[10] The National Union of Bar Associations of the Islamic Republic of Iran also welcomed the adoption of the new code, asserting that while the law now contained many positive innovations that might be unprecedented in the history of legislation in the country, it had some problems that needed to be resolved.[11]

24. The Special Rapporteur maintains that one of the most important achievements of the Code of Criminal Procedure is improved protections for access to legal counsel, especially during the interrogation of suspects by either law enforcement or judicial officials. Article 48 of the code provides that the accused can request access to counsel as soon as he is approached by law enforcement officials or during criminal proceedings, and article 190 guarantees the right of the accused to have access to a lawyer during the

[7] See www.rrk.ir/Laws/ShowLaw.aspx?Code=2460 (in Persian).
[8] See www.amnesty.org/en/documents/mde13/3112/2016/en/.
[9] See www.amnesty.org/en/documents/mde13/2708/2016/en/.
[10] See http://khabaronline.ir/detail/428897 (in Persian).
[11] See www.mehrnews.com/news/2852676/ (in Persian).

preliminary investigation.[12] The law calls for defendants to be informed of these rights before the investigation begins and if a defendant is summoned, the right to have access to a lawyer must be mentioned in the summons. Violations of these rights or failure to communicate them to the accused will result in disciplinary action, but will not affect the admissibility of evidence obtained under these conditions.[13] Article 190 of the code also states that the court must appoint a lawyer for persons accused of capital crimes or offences that carry sentences of life imprisonment if the accused fails to retain one him- or herself, but does not require court-appointed lawyers for other serious cases.[14] The Special Rapporteur also commends the Government for the adoption of article 197, which explicitly acknowledges the right of the accused to remain silent during preliminary investigations, and notes that article 60 of the code explicitly prohibits the use of coercion, obscene/derogatory language and suggestive/deceptive or irrelevant questioning. Any information gathered from the accused by the aforementioned means is considered null and void.

25. Another significant amendment to the code involves the right of appeal. Articles 428 and 570 now require that all death sentences be reviewed by the Supreme Court. This provision annuls article 32 of the Anti-Narcotics Law, which previously authorized the country's Prosecutor General, and not the Supreme Court, to confirm death sentences for drug-related offences adjudicated by revolutionary courts. On 7 December 2015, the Supreme Court issued a ruling obliging all revolutionary courts to send death sentences for drug-related offences for review and appeal to the Supreme Court.[15] The Special Rapporteur applauds this significant improvement in view of the fact that a majority of the death sentences issued in the Islamic Republic of Iran are for drug-related offences, in contravention of international law. However, he emphasizes that the ruling must be implemented properly.

26. Despite these improvements, concern remains over provisions in the Criminal Procedure Code that exclude individuals accused of national security crimes from these protections. They include revisions to the code made by the Guardian Council that now require individuals accused of national security, capital, political or press crimes and those accused of offences that carry life sentences to select their counsel from an official pool of lawyers chosen by the head of the judiciary during the investigative phase of the trial.[16] On 6 July 2015, the bar association reportedly called on the head of the judiciary, the parliament and the President to reconsider the revisions.[17]

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[12] See www.amnesty...g/en/documents/mde13/2708/2016/en/. Under the old code, the involvement of a lawyer during the investigation phase in national security cases or in cases where the judge determined that such involvement would result in "corruption" was at the discretion of the judge. In practice, this meant that individuals accused of national security crimes were almost never granted the right to a lawyer during the investigation and pretrial phases, making them vulnerable to abuses such as ill-treatment, torture, coerced confessions or enforced disappearance by law enforcement forces, officials of the intelligence ministry or others (art. 33 of the Criminal Procedure Code (1999)).

[13] Art. 190, note 1, of the Criminal Procedure Code (2015). It is important to note that prior to the latest round of amendments to the code, this note said that any investigation resulting from the violation of the right to allow the accused access to a lawyer would be null and void. Last-minute amendments instead provided for punishment of judicial officials and others who violate this right.

[14] Art. 190, note 2, of the Criminal Procedure Code (2015). This requirement does not exist, however, for other heavy punishments such as amputations and long-term prison sentences.

[15] See www.rrk.ir/Laws/ShowLaw.aspx?Code=8008 (in Persian).

[16] Art. 48 of the Criminal Procedure Code (2015).

[17] See http://icbar.ir/Default.aspx?tabid=55&ctl=Edit&mid=435&Code=22124 (in Persian).

27. It is of serious concern that the code allows for restrictions on access by defendants in national security cases to evidence gathered in support of allegations,[18] and the Special Rapporteur notes that restricted access to such information appears to be the rule rather than an exception. The vague and expansive language of these provisions threatens to nullify improvements to the code that allow access to lawyers at all stages of criminal proceedings; such nullification would be a major impediment to realizing due process and fair trial rights.[19] In its response, the Government asserts that limiting the accused or the accused's lawyer's access to information is an accepted norm and that if a judge decides to do so, he must provide a legitimate reason.

28. While the Special Rapporteur commends the positive amendments, he is nevertheless concerned that the new provisions are often not implemented. He continues to receive reports of individuals who are arrested without being shown a warrant, and he has documented several such cases during the reporting period where individuals or their families were not provided with information regarding the circumstances of their arrest or their whereabouts. He notes with concern that authorities reportedly prevented Isa Saharkhiz and three other journalists arrested on 1 November 2015 by the intelligence unit of the Revolutionary Guards from contacting their family members or lawyers for more than a month and refused to provide information regarding the circumstances of their detention. He also continues to receive reports, including after the Code of Criminal Procedure came into effect, that individuals arrested by the intelligence ministry or the intelligence unit of the Revolutionary Guards are routinely subjected to blindfolding, harassment, ill-treatment, torture and coerced confessions during pretrial detention and interrogations.

29. In its response, the Government notes that torture is forbidden under the law of the Islamic Republic of Iran. It also asserts that over the past four years it carried out 38,557 inspections of thousands of police centres, judicial complexes and prisons nationwide; that it received 11,093 complaints concerning violations of citizens' rights; and that all necessary measures were taken to address the complaints The Government claims that as a result of these measures, 622 warnings were issued to judicial personnel, 385 reprimands were issued to administrative personnel, 128 cases were referred to judicial disciplinary courts and 116 other cases were referred for further judicial investigation. As a result of the inspections, 511 persons were compensated for the violations of their rights.

C. Anti-Narcotics Law

30. The Anti-Narcotics Law, adopted by the Expediency Council in 1997 and amended in 2010, mandates the death penalty for 17 drug-related crimes, including non-violent offences that do not amount to "most serious" crimes under international law. The minimum threshold for a sentence of capital punishment is the possession, in any form, of 30 grams or more of heroin, morphine, cocaine or their chemically derived substances (art. 8). The death penalty can also be applied for other crimes such as armed drug smuggling, smuggling in prisons or Government-run facilities, or hiring individuals with the intention of violating the anti-narcotics laws. These policies resulted in over 500 executions in 2015 alone, accounting for 65 per cent of the total number of individuals executed in the country.[20] The Government alleges that it has not received any communications from international bodies concerning non-observance of norms of law in relation to drug-related

[18] Art. 191 of the Criminal Procedure Code (2015).

[19] See www.amnesty.org/en/documents/mde13/2708/2016/en/.

[20] See www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html.

offences that resulted in the death penalty. The Government also asserts that severe punishments meted out to large-scale drug traffickers have brought about a considerable reduction in the harm resulting from the flow of drugs to the Islamic Republic of Iran and beyond.

31. As mentioned above, the recently amended Criminal Procedure Code mandates that all death sentences, including those for drug-related offences issued by revolutionary courts, must be reviewed by the Supreme Court. The Special Rapporteur applauds this reform but expresses great concern at recent reports alleging that drug offenders are often deprived of basic due process and fair trial rights. The violations include long periods of incommunicado and pretrial detention and lack of adequate access to a lawyer and/or to a proper defence. The reports also indicate that drug offenders are subjected to beatings and coerced confessions which are later used in revolutionary courts to secure their death sentences. In some cases judges reportedly convicted and sentenced drug offenders to death based on their "intuition", and despite what appeared to be a lack of evidence.[21] In his most recent report to the General Assembly (A/70/411), the Special Rapporteur discussed his meetings with government officials in September 2015 to discuss the impact of the law on the country's human rights situation, particularly its impact on the Government's use of capital punishment. He has also repeatedly expressed his concern regarding the execution of non-violent drug offenders. In its response, the Government refutes allegations regarding abuse of due process and fair trial rights against individuals convicted of drug-related crimes, including reports that judges sentenced drug offenders to death based on their "intuition", and claims that such assertions are false and biased.

32. Some government officials have increasingly voiced their belief that the country's Anti-Narcotics Law requires reconsideration, owing in large part to its ineffective deterrent effects and to increasing international criticism of the country's human rights record.[22] The Head of the High Council for Human Rights in the Islamic Republic of Iran, Mohammad Javad Larijani, was recently quoted as saying, "My personal opinion is that there should be some practical changes to the laws related to the fight against drugs. This has to go through the legislative process but until then Westerners should respect our current laws."23 On 27 December 2015, in a panel discussion at Sharif University, Mr. Larijani asserted that 93 per cent of the executions in the country were for drug-related crimes, that the death penalty had not led to a significant decrease in drug-related crimes and that the policy must be re-evaluated.

33. In December 2015, 70 members of parliament presented a bill that, if approved by the legislature and the Guardian Council, would reduce the punishment for non-violent drug-related crimes from death to life imprisonment. The bill was introduced in parliament for review on 11 January 2016.[24] While reserving judgment on the particulars of the bill, the Special Rapporteur welcomes attempts to reduce the staggering number of executions in the country and appreciates the Government's willingness to re-evaluate existing law with consideration for its human rights obligations.

[21] See www.hrw.org//news/2015/12/16/iran-bid-end-drug-offense-executions.
[22] See www.mehrnews.com/news/2995003/ (in Persian).
[23] See www.iranhumanrights.org/2015/12/bill-to-end-death-penalty-for-drug-crimes/.
[24] See www.farsnews.com/13941021000764.

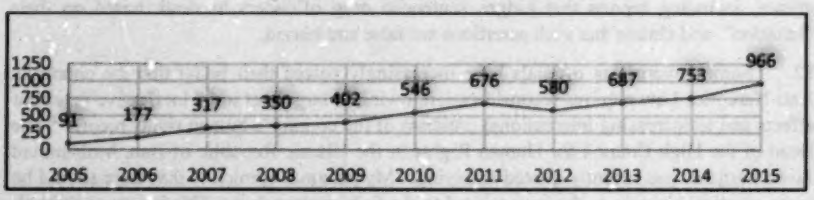
III. Civil and political rights

A. Right to life

34. The Government of the Islamic Republic of Iran received a total of 29 recommendations related to its use of capital punishment during the first cycle of the universal periodic review in 2010 (see A/HRC/14/12) and 41 during the second cycle, in 2014 (see A/HRC/28/12 and Corr.1). The recommendations included calls on the Government to abolish the death penalty for juvenile offenders; to establish a moratorium on the death penalty for crimes not considered "most serious" by international standards and declare a moratorium on the use of capital punishment; and to ban stoning and public executions.

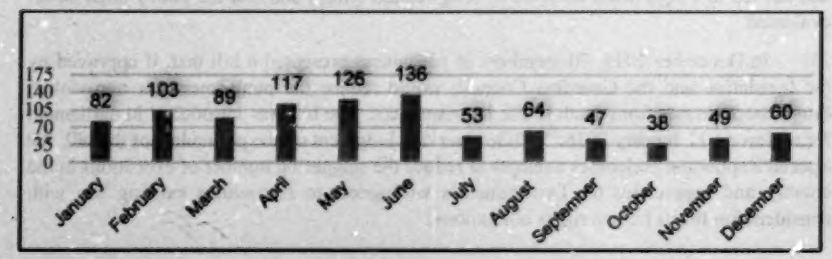
35. Human rights organizations tracking executions in the Islamic Republic of Iran estimate that between 966 and 1,054 executions took place in 2015, the highest rate in over 10 years (see figure I).[25] Executions reached especially alarming rates from April to June 2015, when there was an average of four executions per day (see figure II).

Figure I
Executions in the Islamic Republic of Iran, 2005 to 1 December 2015



Source: Iran Human Rights Documentation Centre.

Figure II
Executions in the Islamic Republic of Iran by month, 2015



Source: Iran Human Rights Documentation Centre.

36. As in previous years, the majority of the executions in 2015 — approximately 65 per cent — were for drug-related offences. Twenty-two per cent of the remaining executions carried out in 2015 were for retribution-related crimes (homicide), 6 per cent were for rape,

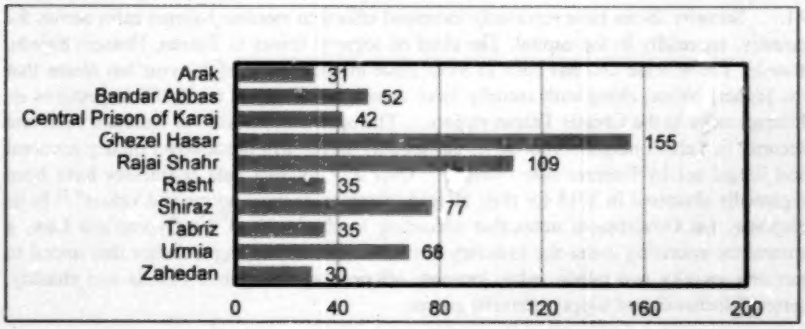
[25] See www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html; www.iranrights.org/; http://iranhr.net/en/ and www.amnesty.org/en/countries/middle-east-and-north-africa/iran/.

3 per cent were for murder and 4 per cent were for other crimes, including financial corruption. In its response, the Government asserts that an excessive concentration on the claims concerning an increase in executions reduces the credibility of the report, and notes that drug-related executions account for 80 per cent of all executions in the country.

37. Executions remain concentrated in large prisons in major urban areas, such as Ghezel Hesar and Rajai Shahr in Karaj and Adel Abad in Shiraz (see figure III). The Government continues to conduct public executions, which accounted for 6 per cent of the total number of executions in 2015.

Figure III

Prisons with the highest rates of executions in the Islamic Republic of Iran, 2015



Source: Iran Human Rights Documentation Centre.

B. Freedom of expression, opinion and access to information

38. The Islamic Republic of Iran received 11 recommendations related to freedom of expression during the universal periodic review in 2014, of which it accepted 2 and partially accepted 4, including the recommendation that it take the necessary steps to ensure, and that its citizens fully enjoy, the rights and freedoms awarded to them by the Constitution, with special emphasis on the right to freedom of expression, the right to political activity and the right to assemble, and the recommendation to strengthen and promote freedom of expression, particularly that of the press (see A/HRC/14/12 and Add.1). In its response, the Government notes that it rejected a number of recommendations with regard to freedom of expression because they were contrary to the country's fundamental values, Islamic tenets and Constitution.

39. On 19 January 2016, the Special Rapporteur welcomed the release of *Washington Post* reporter Jason Rezaian, who had been unlawfully detained by security and intelligence forces since July 2014, and encouraged the authorities to pave the way for the release of all remaining detainees unlawfully held in the country's prisons.[26] As of January 2016, at least 45 journalists and Internet users were reportedly imprisoned in the country.[27] At least six prominent artists, writers and musicians have been arbitrarily detained or prosecuted since October 2015. The Islamic Republic of Iran is ranked as the seventh most-censored country

[26] See http://shaheedoniran.org/english/dr-shaheeds-work/press-releases/un-human-rights-experts-welcome-freeing-of-iranian-americans-and-call-for-more-releases/.

[27] See www.en.rsf.org; www.cpj.org; www.journalismisnotacrime.org; www.iranhumanrights.org.

in the world.[28] It also ranked 173rd out of 180 countries on the 2015 World Press Freedom Index.[29] In its response, the Government notes that restrictions imposed on the freedom of expression are consistent with articles 18 and 19 of the International Covenant on Civil and Political Rights. It also alleges there are "several pieces of corroborative evidence" that prove the charges against Jason Rezaian.

40. The Special Rapporteur regrets what appears to be a widening crackdown on freedom of expression and opinion during the reporting period, punctuated by a series of arrests carried out by the intelligence unit of the Revolutionary Guards and harsh sentences against journalists, cyberactivists and artists. President Rouhani has reportedly criticized the series of arrests as being like an "infiltration network" and noted the apparent connection between allegations made in ultraconservative news outlets and arrests that follow.[30]

41. Security forces have reportedly increased efforts to monitor Internet cafes across the country, especially in the capital. The chief of security forces in Tehran, Hossein Sajedu, stated: "The scheme that has been in force since the beginning of the year has meant that the [cyber] police, along with security force agents, have carried out 5,280 inspections on Internet cafes in the Greater Tehran region.... The operation is meant to maintain calm and security in Tehran neighbourhoods ... the security forces will crack down on any immoral and illegal act by Internet cafe owners."[31] Over 272 Internet cafe businesses have been repeatedly shuttered in 2015 for their alleged "threat to societal norms and values".[32] In its response, the Government notes that according to article 22 of the Cybercrime Law, a committee operating under the judiciary is tasked with identifying websites that intend to threaten security and public calm, promote offences against public morals and chastity, spread falsehoods and support terrorist groups.

42. As at the time of writing, the parliament was considering a political crimes bill in an attempt to operationalize article 168 of the Constitution, which stipulates that "political crimes" must be tried in open court, before a jury. On 24 January 2016, parliament reportedly approved several key provisions of the bill, including article 1, which would effectively criminalize attempts to "reform the country's policies" and article 2, which reaffirms the Government's authority to criminalize the "publication of lies" as well as insults or defamation against government officials, including the President and his deputies, the head of the judiciary and members of parliament.[33]

C. Freedom of association and the right to free and fair elections

43. Elections for the Islamic Consultative Assembly, the country's parliament, and the Assembly of Experts, which selects the Supreme Leader and has the power to supervise him, were held in the Islamic Republic of Iran on 26 February 2016. The Guardian Council vets all candidates, monitors the voting process and certifies election results for all elections,[34] effectively dictating the pool of candidates from which Iranians may select government officials. Candidates are qualified on the basis of a range of criteria, most

[28] See https://cpj.org/2015/04/10-most-censored-countries.php.

[29] See https://rsf.org/en/ranking.

[30] See www.iranhumanrights.org/2015/12/90-iranian-journalists-statement/.

[31] See http://en.iranwire.com/features/6771/.

[32] Ibid.

[33] See www.reuters.com/article/us-iran-politics-idUSKCN0V20P9. It is important to note that these actions are already criminalized in the Islamic Penal Code and other laws such as the Press Law. The bill, however, would allow defendants the right to a jury trial in open court if it is determined that the crimes they committed qualify as "political".

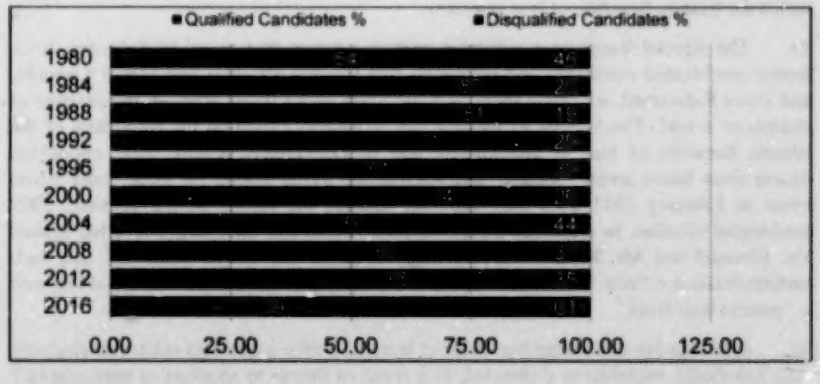
[34] Art. 99 of the Constitution.

notably their full "practical" loyalty to the Supreme Leader and their recognition of his authority over all matters of State (i.e., the principle of *velayat-e faqih*).[35] The following table shows the number of candidates allowed to stand for election since 1980; figure IV shows the percentage of qualified and disqualified candidates in parliamentary elections.

Number of candidates in parliamentary elections in the Islamic Republic of Iran, 1980-2016

Year	*1980*	*1984*	*1988*	*1992*	*1996*	*2000*	*2004*	*2008*	*2012*	*2016*
Number of candidates registered to run	3 694	1 592	1 999	3 233	5 365	6 853	8 172	7 600	5 283	12 123
Number of candidates allowed to run	2 000	1 275	1 615	2 310	3 276	5 083	4 559	4 755	3 444	4 720
Number of candidates disqualified	1 694	317	384	923	2 089	1 770	3 613	2 845	1 839	7 403

Figure IV
Percentage of qualified and disqualified candidates in parliamentary elections in the Islamic Republic of Iran, 1980-2016



44. On 20 January 2016, the Supervisory Board of the Guardian Council qualified 39 per cent of the 12,123 candidates who had registered to run in the parliamentary elections. According to reports, only 30, or 1 per cent, of some 3,000 "reformist" candidates who had registered for the elections were approved by the Board in its decision. Some of those rejected appealed to the Guardian Council and were approved on 15 February 2016, when the Council approved a total of 52 per cent of the candidates. In its response, the Government notes that the Guardian Council's supervision of the elections is not beyond the law and that its activities are in full compliance with international law.

45. The Guardian Council invited 540 of the candidates for election to parliament, including 6 women, to sit for an examination to determine whether they were qualified to run for the Assembly of Experts.[36] On 26 January 2016, the Guardian Council disqualified

[35] Art. 28 of the Election Law.
[36] See www.farsnews.com/newstext.php?nn=13941015001193 (in Persian).

640 of the 801 candidates registered for the election to the Assembly of Experts, including the 6 women.[37] To date, no woman has ever been approved by the Council to serve on the Assembly of Experts.

46. On 19 August 2015, President Rouhani reportedly called on the Guardian Council to play a less intrusive role in elections, calling the Council an "eye that cannot do the job of a hand".[38] Highlighting the Council's practice in recent years of disqualifying entire political groups, Mr. Rouhani said that all legal groups should be respected and individual candidates should be judged on their merits rather than their political affiliations. On 11 December, President Rouhani said that all individuals wishing to serve the country should be allowed to run for office.[39]

47. On 20 January 2016, Supreme Leader Ali Khamenei commented on the disqualification of thousands of candidates, saying: "Nowhere in the world do decision makers allow those who have no faith in the system to run."[40] He had previously called on all Iranians, including those who do not approve of the Government's views, to vote in the February elections.[41]

48. On 14 October 2015, parliament voted against the recommendation of the Domestic Affairs Commission that blind candidates be qualified for election to parliament. Among the reasons cited by the parliamentarians for voting against the bill was the great financial burden such a move would create for the Government.[42] Article 28 of the election law prohibits individuals with hearing, visual or speech impediments from registering as candidates, in violation of the Convention on the Rights of Persons with Disabilities, to which the Islamic Republic of Iran is a party.

49. The Special Rapporteur expresses serious concern that as of 14 February 2016, former presidential candidates and reformists Mir Hossein Mousavi and Mehdi Karroubi, and Zahra Rahnavard, will have spent five full years under house arrest in the absence of charges or a trial. The Special Rapporteur has repeatedly called on the authorities of the Islamic Republic of Iran to immediately and unconditionally release these opposition figures from house arrest. Security and intelligence forces placed the three under house arrest in February 2011 after they protested against the results of the disputed 2009 presidential election. In response, the Government notes that the charges levelled against Mr. Mousavi and Mr. Karroubi are "strongly founded and ascertained", and that their current situation reflects "the Islamic establishment's clemency towards them" and the need to "protect their lives".

50. In November and December 2015, at least 12 public gatherings related to elections were reportedly cancelled or disbanded, as a result of threats to speakers or participants.[43] On 19 November, in the city of Varamin, several men reportedly attacked the Minister of the Interior under former President Mohammad Khatami after he attempted to give a speech about the upcoming election, and security forces dispersed the crowd with tear gas.[44]

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[37] See www.radiofarda.com/content/f2-iran-elections-tens-not-vetted-women-left-out-khomeini/27512087.html (in Persian).

[38] See http://ir.voanews.com/content/iran-president-election/2924066.html (in Persian).

[39] See http://www.irna.ir/fa/News/81873881/ (in Persian).

[40] See http://bigstory.ap.org/article/69738e15e76f48f6beed498b667fa4e3/iran-reformists-call-reversal-candidate-ban; http://farsi.khamenei.ir/speech-content?id=32040.

[41] See http://farsi.khamenei.ir/speech-content?id=31906 (in Persian).

[42] See http://www.ilna.ir/ (in Persian).

[43] See www.ilna.ir/ (in Persian).

[44] See www.radiofarda.com/content/o2-mosavi-lari-was-attacked/27375994.html (in Persian).

51. On 29 November 2015, several students were allegedly injured during an incident that took place in the city of Yasuj when a former member of the reformist — and now banned — Islamic Iran Participation Front and a current member of the newly formed reformist United Iran Party attempted to give a speech about the upcoming parliamentary election. The event was reportedly disrupted by a group of hard-line members of the Basij, who are affiliated with the Revolutionary Guards.[45] Both events had secured official permits.[46] At the time of writing, none of those responsible for the disruptions had been arrested or punished by the authorities. Government officials note that tear gas canisters were thrown by those accompanying the speaker but that incident had nothing to do with the security forces.

D. Women's rights

52. According to article 18 of the country's passport law, married women require the permission of their husband (or, in an emergency situation, of the local prosecutor) to apply for a passport. On 22 September 2015, local media reported that Niloufar Ardalan, captain of the national women's soccer team, was prohibited from travelling abroad to compete in the Asian Football Confederation Women's Futsal Championship, held in Malaysia, allegedly because her husband refused to allow her to leave the country. The Vice-President for Women and Family Affairs, Shahindokht Mowlverdi, stated on 30 September that until the law was revised, her office would seek exemptions so that female athletes and scientists could leave the country to attend matches and conferences. On 23 November, it was reported that Ms. Ardalan was allowed to accompany her team to Guatemala on a one-time pass to travel in the absence of her husband's consent, issued by the Tehran prosecutor.[47] In its response, the Government alleges that restrictions on women's travel exist in order to protect women from harm.

53. On 27 September 2015, the parliament rejected the general framework of a draft bill granting citizenship to children born to Iranian mothers.[48] Among those particularly affected by the inability of Iranian women to pass their nationality on to their children are the reportedly thousands of children born to Iranian mothers and Afghan fathers. Opponents of the bill reportedly cited the need to discourage illegal migration, particularly from Afghanistan, and changes to the country's ethnic demography as being among the reasons they opposed the proposed legislation.[49] The two recommendations emerging from the 2014 universal periodic review that encouraged the Government to address this issue (see A/HRC/28/12 and Corr.1, paras. 138.102 and 138.112) were not supported by the Government. In its response, the Government notes that a law passed in 2006 allows children of Iranian mothers and non-Iranian fathers to file for Iranian nationality after reaching the age of 18 provided they were born in the Islamic Republic of Iran at least one year after the adoption of the law. The Government also notes that it accepted the two recommendations made during the universal periodic review and was planning to put them into practice.

54. On 2 November 2015, the parliament voted in favour of the general framework of a "comprehensive population and family excellence plan", referring the proposed legislation to a special budgetary commission to address the additional financial burden imposed by the bill. The Special Rapporteur has previously noted that the proposed legislation includes

[45] See www.entekhab.ir/fa/news/237700/ (in Persian).
[46] See http://iran-newspaper.com/Newspaper/MobileBlock?NewspaperBlockID=99860 (in Persian).
[47] See http://persian.iranhumanrights.org/1394/09/niloufar-ardalan-2/ (in Persian).
[48] See www.farsnews.com/13940705000334 (in Persian).
[49] See http://persian.iranhumanrights.org/1394/07/iran-citizenship-rights/ (in Persian).

discriminatory provisions that can potentially lead to other human rights violations. For example, according to article 9 of the bill, which is proposed by 53 members of the parliament with the aim of encouraging marriage, employment in all governmental and non-governmental sectors shall be granted to individuals in the following order: married men with children; married men without children; women with children. According to article 10, hiring "single individuals to faculty positions in all public and private education and research institutions will be prohibited for five years after the date that the act goes into effect". Only the absence of qualified married applicants would permit the hiring of single individuals, and the approval of the highest-ranking authority in the relevant organization would be required. Article 19 of the bill reportedly mandates the bar association and the Centre for Judicial Advisers, the country's two major bar organizations, to reform and redefine procedures for settling divorce disputes so that "establishing peace between couples would take precedence over divorce". Under article 20, the judiciary would grant bonuses to judges in divorce cases that lead to reconciliation between the married couple.

55. On 15 December 2015, Brigadier General Teymour Hosseini of the Tehran traffic police announced that officials had recorded more than 40,000 cases of "bad hijab" since March. In most cases, the cars of the women concerned were impounded and the women were referred to the judiciary, which could impose fines. Earlier in the year, Mr. Hosseini and other officials warned that women who loosened their hijab or who were not wearing one could lose their vehicles.[50] In its response, the Government notes that regulations regarding the hijab are a question of culture, philosophy and faith. The statistics cited on the number of women whose cars were impounded are "odd" and unsubstantiated.

E. Rights of ethnic and religious minorities

56. The Special Rapporteur expresses serious concern at the continuing systematic discrimination, harassment and targeting facing adherents of the Baha'i faith in the country. On the morning of 15 November 2015, Intelligence Ministry agents reportedly arrested 20 Baha'is in Tehran, Isfahan and Mashhad. Authorities failed to provide information about the charges against these individuals, and their families were not informed of their whereabouts for several days. At least 80 Baha'is were reportedly detained as of 31 December 2015 in connection with the peaceful exercise of their faith. In its response, the Government asserts that followers of the Baha'i cult enjoy the rights of citizens pursuant to the country's laws and that allegations presented to the contrary in the report are baseless. In January 2016, a revolutionary court in Golestan province reportedly sentenced 24 Baha'is to a total of 193 years in prison in connection with the peaceful exercise of their faith.[51]

57. In addition to reports of arbitrary arrests, detentions and prosecutions of Baha'is, the Special Rapporteur continues to receive troubling reports that the authorities continue to pursue activities that deprive Baha'is of their right to work, reportedly in line with a directive issued in 1991 by the Supreme Council of the Cultural Revolution.[52] These policies include restrictions on the types of businesses and jobs Baha'i citizens can have, closing down Baha'i-owned businesses, pressure on business owners to dismiss Baha'i employees and seizures of businesses and property. On 15 November 2015, the Bureau of Public Places in Mazandaran province shut down 23 businesses belonging to Baha'is, including in the cities of Sari, Ghaem Shahr, Tonekabon and Babolsar. Actions to close

[50] See www.independent.co.uk/news/world/middle-east/thousands-of-women-in-iran-have-cars-impounded-for-not-wearing-hijab-properly-a6774366.html.

[51] Information received by the Office of the Special Rapporteur.

[52] See http://news.bahai.org/documentlibrary/TheBahaiQuestion.pdf.

Baha'i-owned businesses appeared to follow their voluntary closure by owners in observance of a religious holiday the day before. In its response, the Government alleges that Baha'is in the Islamic Republic of Iran live under "normal" conditions despite "the history of their cooperation with the Shah's regime and their involvement in the suppression of people and their role in the management of the dreaded intelligence service, SAVAK". The Government also asserts that the shutdown of several Baha'i-owned businesses in Mazandaran province was related to "administrative issues".

58. Discrimination against the Baha'i community in the Islamic Republic of Iran derives legal sanction from the lack of constitutional recognition of the faith and the absence of legal protections for its adherents. This situation is perpetuated by open attacks on the community by State officials or individuals close to the State. On 16 October 2015, for example, the deputy of the parliament's National Security Commission, Mr. Haghigharpour, called the Baha'i faith "a wayward sect created by Britain" and compared Baha'is to Wahhabis, who he said sought to increase tensions between Shias and Sunnis in the region.[53] In its response, the Government notes that given the history of century-old cooperation between the Baha'i sect and the Shah's regime and its intelligence service, historical facts could not be overlooked, in the same way that "nobody can stop criticizing Nazism in Germany".

59. The Special Rapporteur also expresses his concern at the treatment of Iranian Christians from Muslim backgrounds, who continue to face arbitrary arrest, harassment and detention despite the fact that article 12 of the Constitution recognizes and protects adherents of the Christian faith. The Special Rapporteur notes that many of these individuals are often accused of acting against the national security or "propaganda against the State", and that under the law, individuals, including Christians of Muslim backgrounds, can be prosecuted for the crime of apostasy. Dozens of persons were reportedly detained in prisons in the Islamic Republic of Iran as of January 2016, many for involvement in informal house churches. The Special Rapporteur received reports in December 2015 that an allegedly Shia "religious group" in Tehran had confiscated land belonging to an Assyrian Chaldean church. In an interview with *Shargh* newspaper, the head of the church also complained of broader legal discrimination against religious minorities, including in the country's civil code.[54] In its response, the Government notes that the operation of house churches is unlawful because they have not acquired the necessary permits from the authorities, that the establishment of house churches is unnecessary because there are more than 20 active, half-active and historical churches in the country and that Christians have not requested permission to build new churches. The Government also characterized the situation regarding the Assyrian Chaldean church as "a dispute between two Iranian citizens".

60. In a positive development, news outlets reported in September 2015 that President Rouhani had appointed a Sunni Kurd, Dr. Saleh Adibi, as Ambassador to Viet Nam and Cambodia. Mr. Adibi is believed to be the first Iranian Sunni to be appointed as ambassador since the founding of the Islamic Republic.[55] Sunnis, who constitute the largest religious minority in the Islamic Republic of Iran, have long complained that the authorities do not appoint or employ them in high-ranking government positions such as cabinet-level ministers or governors. They have also raised concerns regarding reported restrictions on the construction of Sunni mosques in Shia-majority areas, including the capital, and the execution or imminent execution of Sunni activists who the government alleges were involved in terrorist-related activities. In its response, the Government notes there are more

[53] See http://icana.ir/Fa/News/286516 (in Persian).
[54] See www.radiofarda.com/content/f14_iran_church_christians/27458286.html (in Persian).
[55] See www.bbc.com/persian/iran/2015/09/150902_l03_iran_diplomat_sunni (in Persian).

than 10,000 mosques and 3,000 religious schools for Sunnis in the country, that there is no need to build prayer halls for Sunnis in Tehran, and that pursuing policies that encourage Sunnis to have their own mosques or prayer halls "sows the seeds of discord among Muslims". The Government also refutes the characterization of several Sunnis who have been executed or are on death row as peaceful activists, and alleges that they engaged in violent acts and terror.

61. Indiscriminate killings of *kulbaran* (couriers who ferry goods on their backs in the border regions), in violation of the domestic laws and international obligations of the Islamic Republic of Iran, continued to be reported in 2015. Human rights organizations report that between 36 and 44 border couriers were killed and that at least 21 were wounded by government forces between January and December 2015.[56] These reportedly unarmed couriers from the Kurdish-dominated provinces of Kermanshah, Kurdistan and West Azerbaijan appear to engage in smuggling items such as tea and tobacco, owing to inadequate employment opportunities in the country. The Special Rapporteur notes that he has also received reports that the high incidence of unarmed civilians being shot by police in and around the border areas of Sistan and Baluchistan province continues, including individuals reportedly smuggling goods such as gasoline. In its response, the Government notes that although it has the authority to exercise police powers at the borders, border guards are not authorized to open fire on any suspect without accountability. The Government also alleges that it is very difficult to distinguish drug traffickers and armed bandits from real border couriers at the borders.

IV. Conclusions and recommendations

62. The efforts by the Government of the Islamic Republic of Iran to address national and international concerns about protections for persons accused of crimes is welcome. However, outstanding and emerging issues highlighted in the present report, including serious problems related to the administration of justice and the need for additional legal reform, require immediate attention.

63. Despite some positive amendments in 2013, the Islamic Penal Code continues to justify serious human rights violations perpetrated by government officials, including members of the judiciary. Many provisions in the penal code violate the country's international human rights obligations by criminalizing the peaceful exercise of fundamental rights or other acts that are not internationally recognized as crimes. The penal code also continues to discriminate against girls, women and religious minorities. The Special Rapporteur encourages the Government to consider additional reforms to the penal code in line with the country's international legal obligations.

64. The Special Rapporteur also notes that serious rights violations linked to laws that violate the Government's international obligations are often compounded by the failure of security officials and the judiciary to properly implement national laws that would otherwise protect the rights of the accused, including fair trial guarantees and strict prohibitions on the use of torture and ill-treatment against detainees.

65. The Special Rapporteur is encouraged by the willingness of the Islamic Republic of Iran to explore steps to reduce the number of executions in the country. He reiterates his call on the Government to declare a moratorium on the use of the

[56] Information received from the Association of Human Rights in Kurdistan of Iran-Geneva and the Kurdistan Human Rights Network (http://kurdistanhumanrights.net/en/?p=747).

death penalty and encourages it to continue its examination of laws and policies that effectively undermine or violate the right to life. These include laws that provide for the death penalty for acts not considered to be criminal offences or crimes that do not warrant use of the death penalty under international law, such as drug-related crimes. He also appeals to the Government to abandon piecemeal reforms and to immediately and unconditionally prohibit the execution of offenders who are juveniles, defined as individuals under 18 years of age, at the time they committed the capital offence.

66. **The widening crackdown on freedom of expression and opinion that reportedly took place during the reporting period is regrettable, and the Special Rapporteur urges the Government to consider amending or rescinding laws, policies and parliamentary measures that contravene freedom of expression and that restrict access to information, including the draft political crimes bill, which would criminalize attempts to "reform the country's policies".**

67. **The Special Rapporteur welcomes the recent release of arbitrarily detained persons, but maintains his concern about other journalists, lawyers, religious minorities and individuals working to defend the rights of women, children, workers and ethnic minorities who are currently detained for the peaceful exercise of their fundamental human rights. He reiterates the concern of the Special Rapporteur on the situation of human rights defenders about the Government's "overly broad interpretations" of national security and propagation crimes against the State (A/HRC/25/55/Add.3), and strongly urges the authorities to release all individuals identified as arbitrarily detained by the Working Group on Arbitrary Detention and other human rights mechanisms.**

68. **The Special Rapporteur regrets that concerns remain around the situation of recognized and unrecognized religious minorities and that communities continue to report arrests and prosecutions for worship and participation in religious community affairs, including in private homes. He draws particular attention to the situation of Baha'is owing to the existence of systematic policies designed to discriminate against, target, harass and deprive them of the right to a livelihood. The Special Rapporteur urges the authorities to recognize that freedom of religion or belief entails the freedom to choose a religion or belief, and that measures restricting eligibility for civil, political, social or economic privileges, or imposing special restrictions on the practice of other faiths, violate the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 of the International Covenant on Civil and Political Rights.[57]**

69. **The Special Rapporteur calls on the Government to amend laws that violate the rights of women or that undermine their equal and full enjoyment of civil, political, social and economic rights, including the rights to freedom of movement and work and the right to be free from discrimination, especially in the workplace. Draft legislation currently under consideration that appears to infringe on these rights and that may incite violence against women should be reconsidered as a means of addressing national and international concern. The Government should also reconsider laws that insist that women must seek permission to travel from their spouses, and he urges the Islamic Republic of Iran to protect children born within its jurisdiction by facilitating the ability of women to pass on their citizenship to their sons and daughters.**

[57] Human Rights Committee, general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.

70. The Special Rapporteur reiterates his firm belief that the Government can significantly improve the country's human rights situation with the full implementation of the recommendations accepted at the outcome of the 2014 universal periodic review. He therefore renews his requests for further dialogue and for a visit to the country to both discuss the Government's plans for implementing the universal periodic review recommendations and to explore constructive ways in which the mandate holder and representatives of other special procedures can support implementation efforts.

71. After almost five years of work monitoring the country situation and establishing a constructive relationship with the Government, the Special Rapporteur believes that the human rights situation in the Islamic Republic of Iran merits a measure of confidence, which must be strengthened by tangible efforts and outcomes that will lay the groundwork for perceptible progress. He remains committed to the notion that the outcome of the 2014 universal periodic review offers stakeholders a platform to explore opportunities to ameliorate the current situation and stresses that the Government needs to improve its cooperation with all the special procedures. In this regard, he encourages the international community to remain steadfast in its engagement. The Special Rapporteur urges the Government to facilitate ongoing requests for information and enjoins the Islamic Republic of Iran to consider a voluntary midterm review, which may contribute to its ability to fulfil its international human rights obligations.